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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/838,147	Applicant(s) KUN-SZABO ET AL.	
	Examiner Joy K Contee	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-34 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 and 20-28 have been considered but are moot in view of the new ground of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3-9,16,20,21,24,25 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotola et al. ("Kotola"), WO 98/11744, in view of Tayama et al., (Tayama), U.S. Patent No. 6,161,143.

Regarding claim 1, Kotola discloses a method of transferring resource related information from a first terminal (i.e., reads on short message service center) to a second terminal (i.e., reads on mobile station) of a wireless communication network (page 10, lines 10-33), wherein at least the first terminal (short message service center) is a client of a server (i.e., WWW server), connecting the first mobile terminal to an external communication network for accessing a resource (i.e., outside the GSM network, e.g., Internet network) and also to a wireless communication network (i.e.,

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GSM network) which includes the terminals (page 6, line 33 to page 7, line 11), comprising the steps of the first terminal (short message service center) negotiating a connection (i.e., reads on setting up signaling connection with the serving MSC) with the second terminal (mobile station) and subsequently transferring the resource related information (i.e., reads on MT short message) over the connection (page 7, line 34 to page 8, line 11) .

Kotola fails to explicitly disclose transferring information between two wireless or mobile terminals.

In a similar field of endeavor, Tayama discloses transferring information between two wireless or mobile terminals (reads on downloading master data from terminal B to terminal A via radio connection)(col. 3, lines 20-38 and col. 4, lines 65-67).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include mobile to mobile transfer of data for the purpose of allowing a back up data storage and transfer unit in case the server is not available for direct communication with the first mobile (see Tayama, col. 2, lines 34-44).

Regarding claim 3, Kotola as modified by Tayama discloses the method as claimed in claim 1, wherein the information comprises a URL (see Kotola, page 9, lines 26-33).

Regarding claim 4, Kotola as modified by Tayama discloses the method as claimed in claim 2, wherein the information comprises browser settings (i.e., reads on conversion and control of URLs, e.g., formatting of web page) for use by the second terminal (mobile station) (see Kotola, page 9, lines 1-17).

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Regarding claim 5, Kotola as modified by Tayama discloses a method as claimed in claim 1, wherein the information has been previously downloaded (i.e., already retrieved and stored) from the external network (see Kotola, page 9, lines 15-17)

Regarding claim 6, Kotola as modified by Tayama discloses a method as claimed in claim 5, wherein the information comprises a web page (see Kotola, page 9, line 26 to page 10, line 9).

Regarding claim 7, Kotola as modified by Tayama discloses a method as claimed in claim 1, wherein the negotiation of the connection includes specifying the bearer to be used in transporting the information (i.e., reads on address and routing information) to the second terminal (mobile terminal) (see Kotola, page 8, lines 1-11).

Regarding claim 8, Kotola as modified by Tayama discloses a method as claimed in claim 7, wherein the bearer is specified in accordance with a pre-determined user preference (i.e., reads on using keyword or using entire URL) (see Kotola, page 9, lines 26-33).

Regarding claim 9, Kotola as modified by Tayama discloses a method as claimed in claim 1, wherein the connection is made via the wireless communication network (see Kotola, page 6, line 34 to page 7, line 11).

Regarding claim 16, Kotola as modified by Tayama discloses the method as claimed in claim 1, wherein the external network resource is a server (WWW server) (see Kotola, page 8, lines 26-30 and see Fig. 1).

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Regarding claim 20, Kotola as modified by Tayama discloses the method as claimed in claim 1, wherein the external network is the Internet (see Kotola, page 8, line 35 to page 9, line 8).

Regarding claims 21 and 25, Kotola discloses a wireless communication terminal (i.e., sms service center) arranged to access an external network (i.e., Internet network) resource via a wireless communication network (GSM), the terminal comprising a controller (i.e., reads on control unit 40) arranged to receive (and send) an input of resource related information from another terminal (i.e., mobile station) (page 11, lines 8-25), wherein the controller is further arranged to negotiate a connection (i.e., setting up signaling link with serving MSC) with the other terminal and subsequently to receive the information over the connection (see Kotola, page 7, line 34 to page 8, line 11).

Kotola fails to explicitly disclose two wireless terminals.

In a similar field of endeavor, Tayama discloses transferring information between two wireless or mobile terminals (reads on downloading master data from terminal B to terminal A via radio connection)(col. 3,lines 20-38 and col. 4,lines 65-67).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include mobile to mobile transfer of data for the purpose of allowing a back up data storage and transfer unit in case the server is not available for direct communication with the first mobile (see Tayama, col. 2,lines 34-44).

Regarding claims 24 and 28, Kotola as modified by Tayama discloses a terminal as claimed in claims 21 and 25, respectively, wherein the terminal is a cellular radio telephone (see Kotola, page 6,line 34 to page 7, line 11).

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Regarding claim 29, Kotola as modified by Tayama discloses a terminal as claimed in any one of claims 25, wherein the terminal is a cellular radio telephone (see Kotola, page 6, line 34 to page 7, line 11).

Regarding claim 30, Kotola as modified by Tayama discloses the method according to claim 1 wherein the information related to the resource comprises content of the resource (i.e., via SMS) (see Kotola, page 8, lines 26-30).

Regarding claim 31, Kotola as modified by Tayama discloses the method according to claim 1, wherein the information related to the resource comprises a link (i.e., URL) to the resource (see Kotola, page 10, lines 2-15).

Regarding claim 32, Kotola as modified by Tayama discloses the method according to claim 1, further comprising choosing a bearer for sending the resource related information (see Kotola, page 8, lines 1-11).

Regarding claim 33, Kotola as modified by Tayama discloses the method according to claim 1, further comprising selecting the second mobile terminal based on a list (i.e., inherent database in HLR) providing association between terminal contact information and recipient information (see Kotola, page 8, lines 1-11).

Regarding claim 34, Kotola as modified by Tayama discloses the method according to claim 1, wherein the second mobile terminal is not capable of handling the external resource contents (reads on terminal A unable to communicate with base station to download) (see Tayama, col. 4, lines 52-64).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include mobile to mobile transfer of data for the purpose of

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allowing a back up data storage and transfer unit in case the server is not available for direct communication with the first mobile (see Tayama, col. 2, lines 34-44).

4. Claims 2 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kotola and Tayama, in view of Bridgman et al. ("Bridgman"), U.S. Patent No. 6,523,062.

Regarding claim 2, Kotola as modified by Tayama disclose a method as claimed in claim 1, but fails to explicitly disclose wherein the second terminal is also a client of a server connected to the external network and the information facilitates access to an external network resource by the second terminal.

In a similar field of endeavor, Bridgman provides evidence wherein the second terminal (i.e., workstation or computer) is also a client of a server connected to the external network and the information facilitates access to an external network resource by the second terminal (col. 4, lines 59-67).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include wherein the second terminal is also a client of a server as it is known in the art for workstations to communicate to other workstations or computers.

Regarding claim 10, Kotola as modified by Tayama disclose a method as claimed in claim 1, but fails to explicitly disclose wherein the connection is made directly between the terminals.

Bridgman further discloses wherein the connection is made directly between the terminals (col. 6, lines 17-25).

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At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include direct connection between the terminals for the purpose of using a networking environment.

Regarding claim 11, Kotola and Tayama as modified by Bridgman disclose the method as claimed in claim 10, wherein the connection comprises an infra red link (col. 6, lines 22-25).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include direct connection between the terminals for the purpose of using a networking environment.

Regarding claim 12, Kotola and Tayama as modified by Bridgman disclose the method as claimed in claim 10, wherein the connection comprises a low power radio frequency link (i.e., wireline connection) (col. 6, lines 17-21).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include direct connection between the terminals for the purpose of using a networking environment.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotola and Tayama, in view of Applicant's own admission as prior art as recorded in the Specification in the "Background of the Invention".

Regarding claim 17, Kotola and Tayama as modified by Bridgman disclose a method as claimed in claim 2, but fails to explicitly disclose wherein both terminals are using a Wireless Application Protocol and the resource information comprises a WAP.

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However, Applicant admits that the standard known as Wireless Application Protocol (WAP), which utilizes wireless mark-up language (WML), which implements a card and deck metaphor, wherein decks of cards are transferred from origin servers as needed, is well known in the art (see page 1, lines 11-21, "Background of the Invention" of the Disclosure).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the data service described in the combination to include for use in WAP environment for the purpose of utilizing a standard for Internet content to be obtained by mobile radio telephones.

Regarding claim 18, the combination of Kotola, Tayama and Bridgman as modified by Applicant's admission as prior art, discloses a method as claimed in claim 17, wherein the transfer of the WAP deck to the second terminal includes the step of substituting (i.e., reads on transferring decks from origin servers as needed) the WAP deck with a pre-existing WAP deck on the second terminal (see Applicant's admission as prior art, page 1, lines 27-28 of the Disclosure).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the data service described in the combination to include for use in WAP environment for the purpose of utilizing a standard for Internet content to be obtained by mobile radio telephones.

6. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kotola, Tayama and Bridgman, in further view of Coan et al. ("Coan"), U.S. Patent No. 6,584,321.

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Regarding claim 14, Kotola and Tayama as modified by Bridgman discloses a method as claimed in claim 2, but fails to disclose wherein the terminals are using a Wireless Application Protocol and the request is sent to the second terminal using a connectionless push command.

In a similar field of endeavor, Coan discloses wherein the terminals are using a Wireless Application Protocol and the request is sent to the second terminal using a connectionless push command (i.e., reads on non-confirmed push mechanism) (col. 4, lines 24-28).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include WAP's push mechanism for the purpose of transferring information (i.e., service message) to the wireless device from the server.

Regarding claim 15, Kotola and Tayama as modified by Bridgman and further modified by Coan, discloses a method as claimed in claim 14, wherein the connection is established using a bearer (i.e., included in the service message) indicated in the connectionless push command (see Coan, col. 4, lines 24-51).

In a similar field of endeavor, Coan discloses wherein the terminals are using a Wireless Application Protocol and the request is sent to the second terminal using a connectionless push command (i.e., reads on non-confirmed push mechanism) (col. 4, lines 24-28).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include a bearer indicator in the service message for the purpose of specifying which bearer service the data can be transmitted on.

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7. Claims 22-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotola and Tayama, in view of Coan.

Regarding claims 22 and 26, Kotola and Tayama disclose a terminal as claimed in claims 21 and 25, respectively, but fails to explicitly disclose wherein the controller operates in accordance with a Wireless Application Protocol.

Coan discloses wherein the controller (i.e., of the wireless device) operates in accordance with a Wireless Application Protocol (col. 4, lines 13-30).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the data service described in Kotola to include for use in WAP environment for the purpose of utilizing a standard for Internet content to be obtained by mobile radio telephones.

Regarding claims 23 and 27, Kotola and Tayama as modified by Coan discloses the terminal as claimed in claims 22 and 26, wherein the controller is arranged to receive the resource related information via a push command (see Coan, col. 4, lines 13-30).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include WAP's push mechanism for the purpose of transferring information (i.e., service message) to the wireless device from the server.

Allowable Subject Matter

8. Claim 35 is allowed.

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9. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on 5:30 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

JP
JC

11/02/04

Marsha D Banks-Harold
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